



POLICE DEPARTMENT

-----X
In the Matter of the Disciplinary Proceedings :

- against - : FINAL

Police Officer Mecca Clinkscales : ORDER

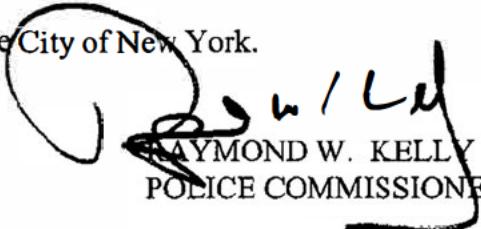
Tax Registry No. 938240 : OF

Brooklyn Court Section : DISMISSAL

-----X

Police Officer Mecca Clinkscales, Tax Registry No. 938240, Shield No. 164, Social Security No. ending [REDACTED] having been served with written notice, has been tried on written Charges and Specifications numbered 83442/07, as set forth on form P. D. 468-121, dated October 26, 2007, and after a review of the entire record, having pled guilty is found Guilty of Specification Nos. 3 and 4. The Respondent is found Guilty of Specification Nos. 1 and 2.

Now therefore, pursuant to the powers vested in me by Section 14-115 of the Administrative Code of the City of New York, I hereby DISMISS Police Officer Mecca Clinkscales from the Police Service of the City of New York.


RAYMOND W. KELLY
POLICE COMMISSIONER

EFFECTIVE: @ 0001 HRS on September 8, 2010

COURTESY • PROFESSIONALISM • RESPECT



POLICE DEPARTMENT

August 16, 2010

-----X-----
In the Matter of the Charges and Specifications : Case No. 83442/07

- against - : -----X-----

Police Officer Mecca Clinkscales : -----X-----

Tax Registry No. 938240 : -----X-----

Brooklyn Court Section : -----X-----

At: Police Headquarters
 One Police Plaza
 New York, New York 10038

Before: Honorable John Grappone
 Assistant Deputy Commissioner - Trials

A P P E A R A N C E:

For the Department: David Green, Esq.
 Department Advocate's Office
 One Police Plaza
 New York, New York 10038

For the Respondent: Howard Tanner, Esq.
 30 Vesey Street – PH Suite
 New York, New York 10007

To:

HONORABLE RAYMOND W. KELLY
POLICE COMMISSIONER
ONE POLICE PLAZA
NEW YORK, NEW YORK 10038

COURTESY • PROFESSIONALISM • RESPECT

The above-named member of the Department appeared before me on April 5, 2010, charged with the following:

1. Said Police Officer Mecca Clinkscales, while assigned to the 20th Precinct, on or about September 24, 2007, did wrongfully steal property, in that said Police Officer, without permission or authority, took a \$500 money order from inside the purse of another uniformed member of the service and thereafter deposited said money order into said Police Officer's personal Washington Mutual Bank account.

P. G. 203-10, Page 1, Paragraph 5 – PUBLIC CONTACT – PROHIBITED CONDUCT/GENERAL REGULATIONS
N. Y. S. PENAL LAW SECTION – 155. 25 PETIT LARCENY

2. Said Police Officer Mecca Clinkscales, while assigned to the 20th Precinct, on or about and between September 24, 2007 and September 27, 2007, did wrongfully possess stolen property, in that said Police Officer, without permission or authority, took a \$500 money order from inside the purse of another uniformed member of the service and thereafter deposited said money order into said Police Officer's personal Washington Mutual Bank account.

P. G. 203-10, Page 1, Paragraph 5 – PUBLIC CONTACT – PROHIBITED CONTACT GENERAL REGULATIONS

N. Y. S. PENAL LAW SECTION – 165. 40 CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE FIFTH DEGREE

3. Said Police Officer Mecca Clinkscales, while assigned to the 20th Precinct, on or about October 22, 2007, did fail and neglect to properly safeguard her firearm, in that said Police Officer carried said firearm inside her handbag.

P. G. 204-08, Page 2, Paragraph 7 – FIREARMS – GENERAL REGULATIONS UNIFORMS AND EQUIPMENT

4. Said Police Officer Mecca Clinkscales, while assigned to the 20th Precinct, on or about October 22, 2007, wrongfully and without just cause possessed an unauthorized duplicate New York City Police Department shield, #164.

P. G. 203-10, Page 2, Paragraph 17 – PUBLIC CONTACT – PROHIBITED CONDUCT/GENERAL REGULATIONS

The Department was represented by David Green, Esq., Department Advocate's Office, and the Respondent was represented by Howard Tanner, Esq.

The Respondent, through her counsel, entered a plea of guilty to Specification Nos. 3 and 4 and Not Guilty to Specification Nos. 1 and 2. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review.

DECISION

The Respondent is found Guilty of Specification Nos. 1 and 2. The Respondent having pled guilty is found Guilty of Specification Nos. 3 and 4.

SUMMARY OF EVIDENCE PRESENTED

The Department's Case

Department called Police Officer Alejandrina Castillo and Lieutenant Aaron Wright as witnesses.

Police Officer Alejandrina Castillo

Castillo has been a member of the Department for nine years. She is currently assigned to the Bronx Court Section and has been there for two years. Castillo testified that she is on modified duty status. Before being assigned to the Bronx Court Section, Castillo worked in the 20 Precinct from 2002 until 2008. At the 20 Precinct, Castillo worked in a squad doing patrol duties. Castillo is married with two children. Both of her

children were born while she worked at the 20 Precinct. Castillo's daughter has [REDACTED]

[REDACTED] s, but it is covered by her health insurance.

Castillo stated that while assigned to the 20 Precinct, she did not have a steady partner and was, therefore, assigned a partner from her own squad or from another squad. Castillo testified that she came to know the Respondent in 2007 while at the 20 Precinct. They sometimes worked together as partners, but never on a regular basis. Castillo stated that they would work together once a week, but that they were never very close. They never socialized outside of work or entered into any sort of financial relationship. Castillo emphasized that she never borrowed money from the Respondent and the Respondent never borrowed money from her and she also explained that she never discussed her finances with the Respondent. Castillo testified that in fact she never borrowed money from anybody at the 20 Precinct, and that while working at the 20 Precinct, she did not incur any unusual medical expenses.

Castillo testified that sometime in September of 2007, she left a money order in her purse, which was left in her locker. She did so because she had forgotten that the money order was there. Castillo intended to use the money to pay bills when she returned to the precinct.

Castillo explained that she sometimes bought money orders to pay her bills. She and her husband had decided to buy money orders with a credit card so that they could accumulate travel miles. Castillo never discussed that plan with anybody in the precinct, including the Respondent.

Castillo stated that the women's locker room in the 20 Precinct is located on the fourth floor and that it is actually three rooms, not one room. There is a big room with a

door on the right side that leads to a room with beds and a TV. There is another door on the left side that connects to a third room. Castillo's locker was located in the first room. At the time of the incident, Castillo was using two adjacent lockers that were located "at the end of the door by the window." Castillo stated that "where my locker was, if you don't have business to go there, you are not supposed to be there because it's not like on the way." Castillo stated that the Respondent had a locker in the same location, but in the other room, and that in order for the Respondent to get to her locker she had to walk through the room where Castillo's locker was located.

Castillo stated that both lockers had her name and tax number on them; however she only had a regulation combination lock on the locker in which she kept Department property. Castillo claimed that she did not have a lock on the second locker and that she never asked for permission to utilize the locker. Castillo decided to take the locker after it became vacated.

Castillo affirmed that after her belongings, such as money and gift cards, started to disappear from her unlocked locker, she began to put her purse and other personal effects into the locker which did have a lock on it; however, she forgot to do so on the day of the incident. Castillo explained that she did not report that things started to disappear from her locker because "I didn't have a locker – a lock on that locker, and I thought I wasn't supposed to report it because I was doing something wrong," and because she was not positive at the beginning that somebody was stealing from her. She became positive that somebody was stealing from her when she pulled back-to back tours and had to sleep over at the 20 Precinct. She went to buy lunch and she then realized that the money was missing.

Castillo testified that she purchased the specific money order in question with a credit card, but she does not remember which credit card she used. At the time that she bought the money order in question, she bought a total of six money orders valued at \$3,000. Castillo was then shown three documents that were accepted into evidence and labeled Department Exhibits (DX) 1A, 1B, and 1C. DX 1A is Investigative sheet 14A, which says on the top "money order close out report." DX 1B is a receipt for \$2,200 from Apollo Business Services with "Alejandrina Castillo" on the signature line. DX 1C is a photocopy of Castillo's New York State Driver's License. Castillo testified that she bought the money orders from Apollo Business Services which is located at 170 Dyckman Street. Castillo explained that Dyckman Street is not within the confines of the 20 Precinct, but it was on her way home and that Dyckman Street is in northern Manhattan. Castillo then looked at DX 1B. She reiterated that she purchased \$2,200 worth of money orders. Castillo then stated that she used a debit card to purchase the money orders which is the same debit card that she uses now. Castillo stated that she probably used part of the \$2200 for rent but she did not actually recall what she used the money orders for.

Castillo then looked at DX 1C, which is a photocopy of her driver's license. She explained that she did not necessarily need to show identification when she purchased the money orders. Although she could not recall whether she ever gave Apollo a copy of her driver's license, she acknowledged that if they had a copy of it, then she must have done so.¹ Castillo testified that in 2007, her husband would often go to Apollo in order to send money to his daughter in Venezuela, and because they provided "so many little services

¹ The Assistant Department Advocate (Advocate) informed the Court that Lieutenant Wright of IAB obtained a copy of her drivers license from Apollo during his investigation.

that you might need.” At the time of the incident, Castillo’s husband was working as a tractor trailer driver.

Castillo, responding to being asked why she left her purse in the unlocked locker the day it was stolen, stated that she was rushing because she had a detail and “I guess I forgot.” Castillo stated that she discovered that the \$500 money order was missing when she came back from the detail or when she was getting ready to go home. She explained that she did not report it immediately because her primary concern was the money and not “hurting people.”

Castillo testified that when she realized the money order was missing, the first thing she did was go to Apollo Services to see if the money order was already cashed because she believed that “it was like a check that if its not cashed they can do some kind of investigation and retrieve my money.” Castillo then stated that she did not report the missing money right after she went to Apollo because she was not working that day and she was off the next two days. Castillo explained that she decided to report that money was missing because it was \$500 and because she had lost other items in that same precinct.

Castillo testified that she reported the money missing on September 27, 2007 to the Internal Affairs Bureau (IAB). She called IAB directly. Castillo acknowledged that she received a Command Discipline (CD) for not reporting the loss promptly and for failing to properly secure her Department locker. Castillo stated that she had a Department trial in which she testified and in which she was represented by counsel. She testified in that trial in January of 2010 where she plead not guilty to the charges and specifications. Castillo acknowledged that she understood that there was no finding in

the case and that it was therefore still an open case. Castillo testified that she further understood that she was testifying without counsel and that it was her choice not to have a lawyer present.

Castillo testified that a month after she reported the money missing, some people came to her house dressed in plain clothes and told her that they had to take her to Manhattan. When she arrived, she was told that she was at the Assistant District Attorney's (ADA) office. She was told that she must tell the truth because somebody could be arrested based on her statements.

Castillo testified that she never gave the Respondent permission to go into her locker. Moreover, she never gave the Respondent permission to go into her unlocked locker to see if there was a gun in it. She testified that she and the Respondent never discussed the Respondent looking in her locker for her firearm. She stated that she never told the Respondent that she could take the \$500 money order nor did she ever actually hand her a \$500 money order.

Castillo stated that she never borrowed money from any of her fellow police officers because she lives by “[her] own means”. Castillo then reiterated that she never told the Respondent that she had a [REDACTED] and needed money for the [REDACTED] [REDACTED] or for anything at all.

Castillo testified that she only became aware that the Respondent had stolen the money order on Monday after she heard a message left on her phone informing her that the Respondent had been arrested for taking the money order. Castillo explained that she was shocked by the news because the Respondent is a very respected woman in the 20 Precinct “she comes from so many years.” Castillo reiterated that that “the least person I

would think was going to take money from me, or from anybody. I just trusted her. ”

Castillo acknowledged that “no, I am not accusing her of anything. That’s the idea I had.

And they told me that she was arrested. I don’t know if she took the money order, I am just saying that they told me she was arrested for having the money order with her. ”

On cross examination, Castillo reiterated that she worked in the same command with the Respondent for a few months and that they worked together as partners an average of once a week. While working together, they would go out on patrol or be assigned to the Critical Response Vehicle (CRV). Castillo stated that while out on patrol, they would eat their meals together, but they did not have extensive conversation and they never discussed personal matters. Castillo acknowledged that although she considered the Respondent to be a trustworthy person, she did not consider her a friend. Castillo stated that perhaps “my personality didn’t fit with her personality,” and that it was harder for her to form an attachment with the Respondent than with other female officers.

Castillo stated that she came back from Viper on 2007 and that she had been assigned to Viper because she had a child with Down’s syndrome. Castillo denied that her child’s condition makes her upset, stating that she does not get upset easily. However, when pressed, Castillo did acknowledge that after she called IAB, she became upset. Castillo stated that she felt that she was being treated as if she was a criminal, not only by IAB but also by the command. She described how at the command, her sergeant and the other people in the precinct became upset because she called IAB because they believed it to be unnecessary. Castillo admitted that the Respondent consoled her when she was crying in the hallway and that the Respondent even offered to buy her a lock for

her locker, which she did. Castillo never paid her back. Castillo acknowledged that she considered this to be a friendly gesture by the Respondent.

Castillo admitted that this was not the first time that money went missing from the command. She described how in July of 2007, one hundred dollars “disappeared” from her locker. Castillo also acknowledged that her personal clothing was vouchered by the command because it was not secured in a locker but was outside of it. She had left three dollars inside the clothing that was vouchered also. Castillo stated that three dollars is important to her.

Castillo testified that the total amount of money missing in July and August of 2007 was around two hundred dollars. Castillo was interviewed by IAB with regard to the missing money. In that interview, she was asked about the dates that the money went missing and the amount of money that disappeared. Castillo acknowledged that when she was interviewed, subsequent to the loss of five hundred dollars during her official Department interviews, she stated that in July of 2007, one hundred dollars went missing and that in August of 2007, more money went missing. However, she told IAB that she did not remember whether the amount of money that went missing in August of 2007 was forty dollars. Castillo testified that she told IAB that three gift cards went missing, one was from Macy’s, one was from Toys ‘R’ Us and as she told IAB, the third gift card was from either store.

Castillo does not recall telling IAB about two more gift cards being stolen, but she did remember telling them about an additional one hundred dollars being stolen. In total, seven items were stolen. Castillo became aware of the fact that her personal items had been stolen sometime in August, yet she continued to place valuables in the locker.

Castillo acknowledged that she was brought up on charges, which became the subject of a trial. These charges included failure to secure her locker. She stated that she felt as if she was being treated like a criminal.

Castillo reiterated that she purchased several money orders in order to pay her monthly bills; however, she does not recall which bills they were. She stated that her medications are covered by her insurance and that her husband has medical insurance through his job as a tractor trailer driver. Her [REDACTED] were covered by her insurance, not her husbands. Castillo affirmed that she did not specifically discuss her daughter's Downs Syndrome with the Respondent, but she could not state with certainty that she had never mentioned members of her family in passing conversation. However, she did admit that she had testified that she had never discussed her family with the Respondent.

Castillo denied that when she first reported the money order missing, she initially thought it was a thousand dollar money order. Castillo reiterated that she told the Respondent that a five hundred dollar money order was missing. On the day of the incident, Castillo had more than one money order in her pocketbook. She used the other money orders to pay her bills. She does not recall what bill she intended to pay with the five hundred dollar money order that disappeared.

Castillo denied borrowing money from the Respondent. She also denied telling the Respondent that she was trying to hide income from her husband because of financial difficulties and marital problems. She reiterated that she did not ask the Respondent to borrow five hundred dollars in order to help her family.

Castillo testified that her husband has a child who lives in Venezuela, to whom he sends around two hundred dollars a month, depending on his daughter's particular needs at the time as well as his current financial situation. Castillo denied that money, or lack thereof, becomes an issue in her household. She stated that while money was often tight she would rather not eat than borrow except when it came to the welfare of her child, for whom she would do anything. She then repeated that she never asked the Respondent to borrow money.

Castillo admitted that while she was at Viper, a gas mask as well as the cover of a memo book and perhaps a tie went missing from her locker. She never investigated or reported the incident so she could not definitely state that the items were stolen. She was given a new gas mask and she had to buy another memo book cover.

Castillo reiterated that her previous assignments included Viper, the 20 Precinct, and Bronx Court Section. She stated that she never had any issues with her locker at any of those assignments.

Castillo further stated that she did not know how many individual money orders she bought to comprise the \$3,000 in money orders. She acknowledged that perhaps she bought six money orders to comprise the \$3,000 but she could not be sure. Castillo then repeated that the only money order she had with her at the time of the incident, was the \$500 money order that went missing, since all the other money orders were used to pay her bills. Castillo stated that she had \$3,000 in money orders but only \$2,000 were from the same transaction.

On redirect examination, Castillo admitted that it is possible that at some point she may have told the Respondent how her child was doing and that that is why she did

not feel comfortable saying that she never discussed her family with the Respondent. She acknowledged that she did not bring the \$500 money order to work because she owed the Respondent \$500, but rather because she had to pay a bill. Castillo could not recall if the bill she had to pay was in the amount of \$500. She could not recall if she was going to use the \$500 money order to pay a credit card bill.

Lieutenant Aaron Wright

Wright is currently assigned to IAB Group 10. He has been assigned to IAB for five years and he has been a member of the Department for thirteen years. Before he was assigned to IAB, he was assigned to the 26 Precinct where he was the platoon commander and temporarily the Special Operations Lieutenant. Prior to that, he was a sergeant in IAB, 17 Precinct, and a police officer in the 81 Precinct.

In 2007, Wright was assigned to supervise the investigation of an allegation of a theft involving the Respondent. The other investigator assigned to the case was Sergeant Ungarino. When they were first assigned to the case, they did not know who the subject of the investigation was; however, during the preliminary stages they determined that the money order was payable to cash to the Respondent's home address, making her the subject of the investigation.

Wright was then shown DX 1A, 1B, and 1C. He identified the exhibits as a receipt for \$2,200 dated September 22, 2007, Castillo's New York State Drivers License, and an itemized list with all the money orders including the \$500 money order in question. Specifically, DX 1A is an itemized receipt of all the money orders that were purchased from Apollo for the date in question. The witness identified the specific

money order purchased by Castillo. However, he could only definitely state that one of the money orders on the list in the amount of \$1,000 was purchased by Castillo.

Wright testified that the money order in the amount of \$500 had a unique and traceable number. The money order was deposited at Washington Mutual Bank. The investigators obtained a copy of the money order through the bank through subpoena. Wright then affirmed that the number on the money order matched the number of the money order on the list in the amount of \$500. Wright reiterated that after they received a copy of the money order, they queried the address through the database. The search came back to the Respondent. Wright explained that the money order was made out to cash and that the address on it was [REDACTED], NY.

Wright was then shown DX 2A and 2B. DX 2A is the front copy of the money order and DX 2B is the back of the money order. He identified both exhibits as the items he received pursuant to the subpoena and as an item with the word "cash" written on it.

Wright testified that subsequent to his identifying the Respondent as the person who had the money order deposited into her account at Washington Mutual Bank, he was present at the New York County District Attorney's office on October 22, 2007 when the Respondent was being questioned. At the time, the Respondent had not yet been arrested, although she had her Miranda warnings read. The Respondent chose to sign and waive all her Miranda rights and to answer all of her questions without the presence of counsel. Wright testified that Sergeant Ungarino (Ungarino), ADA Sidney Chung, and Investigator Bob Tarigo were all present at the interview.

Wright stated that the Respondent was asked questions about deposits to her personal account at Washington Mutual bank. Specifically, the Respondent was asked

about a \$500 money order that was deposited into her account. He testified that the Respondent stated that she obtained a money order from her child's father in the amount of \$450. At no point, did the Respondent state that she received a money order from Castillo. Castillo's locker was not mentioned in the interview in regards to the money order. The Respondent did mention that her fingerprints may be on Castillo's locker since she checked Castillo's locker to make sure that Castillo's firearm was safeguarded.

Wright explained that the Respondent's actions were unusual since ensuring the safety of a firearm is usually the duty of the supervisor. Wright acknowledged that it is possible for a fellow officer to check a friend's locker to ensure that the firearm is safe.

Wright testified that the Respondent was arrested subsequent to the interview at the DA's office. He believes that the criminal case was eventually dismissed because ADA Chung did not make a court date.

On cross-examination, Wright admitted that he had no personal knowledge whether or not the Respondent stole the check or the money order or whether or not she had actually been given the money order. He also told the Court that he does not know if Castillo and the Respondent shared a personal or financial relationship.

Wright stated that the Respondent cooperated during the interview with ADA Chung. Wright told the Court that the Respondent was questioned about her prior financial history, specifically her prior filing for bankruptcy. He testified that he did not consider the Respondent's interview to have been particularly aggressive and acknowledged that while the Respondent did not have an attorney in the room, the ADA, the ADA's investigator and a sergeant from IAB were all present.

Wright stated that he has an independent recollection of what was said in the Respondent's interview without the benefit of notes. When asked, he admitted that he reviewed the case folder prior to his testifying. When asked whether he would be able to recall any particular case from two years ago as well as what was said in the interview relating to the case, Wright explained that he has only been involved in approximately five to seven cases where an interview eventually led to an arrest. He testified that in all of those five to seven cases, he would be able to state what occurred during the interview. In this specific case, while he was the supervisor, he did not write the notes, but he did have to review them. Wright reiterated that although he has a good recollection of what was said in the Respondent's interview, he still felt the need to review the case folder prior to his testimony.

Wright stated that he had investigated Castillo's background. He did not know if Castillo had a prior incident involving the loss of a gas mask and he could not remember the existence of an allegation regarding a failure to report a gas mask.

Wright told the Court that when investigating a specific allegation, if they are investigating the overall conditions of a precinct house, they have a field associate program where they reach out to the Intelligence Division of Internal Affairs who then reports to a source in that precinct if one is available. That source then reports back to their handler who informs IAB. Wright testified that in this case, similar investigative steps were taken in the 20 Precinct in order to learn about any gossip or banter surrounding the stolen money order.

Wright testified that he does not know whether or nor Castillo was re-interviewed at the DA's office by ADA Crooks prior to October 30, 2007. He reiterated that he

doesn't remember every worksheet in that case, but that his recollection of the interview pertaining to the arrest is clear.

Wright testified that Castillo was interviewed by ADA Crooks. Wright could not recall if he was present during the interview. He reiterated how he remembered almost every word uttered by the Respondent and that he was present during her interview, but that he could not recall if he was present during the complainant's interview.

Wright testified that as supervisor he had concerns about the veracity of Castillo's complaint, based on the fact that her locker was left open before they started the investigation. Therefore, they wanted to ensure that her money order was actually stolen. Wright acknowledged that during the Respondent's interview on or about October 22, 2007, she stated that "she didn't understand why she was at the location where we brought her to and why she was being interviewed." He could not recall her indicating that she was confused during the interview. Wright stated that the Respondent never admitted to taking anything from Castillo's locker, but he explained that they never directly asked her if she took anything from the locker because ADA Chung did not want them to ask too many technical questions. Instead, they asked her about the money order to see if that would elicit a statement from her which it did not.

Wright testified that during the investigation, they researched the Respondent's financial history, pulled bank videos, pictures, and canvassed pawn shops in the vicinity of the Respondent's residence to see whether or not she had pawned any valuables. The investigation yielded no results; however, they pulled a picture from the bank depicting a woman who they believed to be the Respondent depositing money into her bank account. The photograph showed a black female head tilted back, depositing a \$500 money order

into her account. Wright recalled that approximately three photos were taken of the Respondent in the bank, one when she entered the bank, one when she walks up, and one when she was at the teller.

Wright testified that he reviewed the signature on the money order. He had received the Respondent's handwriting sample from her application to the department and her memo book. According to Wright, the signature on the back of the money order was consistent with these signatures. In his opinion, there did not appear to be any attempt to change the signature.

While this case was dismissed in criminal court, there is no indication that it was dismissed because Castillo refused to testify.

Wright testified that the Respondent was voluntarily interviewed by the DA's Office. Wright reiterated that he did an analysis of the Respondent's bank records. He determined that she made both deposits and withdrawals, but he could not determine if she made a withdrawal in the amount of \$500. He acknowledged that prior to the \$500 being deposited there was a positive balance in the account.

The Respondent's Case

The Respondent testified in her own behalf.

Police Officer Mecca Clinkscales

The Respondent has been a member of the Department as a civilian since 1997 and as a uniformed officer since July 2005. Prior to her arrest, she was assigned to the 20 Precinct. After her arrest, she was assigned to Midtown South Precinct, the 23 Precinct,

and the Brooklyn Court Section. She worked at the 20 Precinct as a uniform officer for two and a half years.

The Respondent testified that she worked with Castillo when her own partner was not working. On those days, they ate lunch together, but they did not socialize outside of work. The Respondent explained that although they were not close, they would sometimes discuss more personal aspects of their lives. For instance, the Respondent knew that Castillo was married and had a [REDACTED] child.

The Respondent recalled a conversation that she had with Castillo where Castillo told her that she needed around \$500 for her child. The Respondent stated that although Castillo did not speak about her husband, at times she would receive phone calls from him which would upset her. The Respondent agreed to lend Castillo \$500, on the condition that the money was returned before she left for vacation. The Respondent testified that she is not a wealthy person, but that because she has a family, she sometimes has extra money around in case of emergencies. The Respondent explained that she personally handed the money to Castillo and that she did not require her to sign a promissory note since she has lent money to other officers and never required an "IOU" from any of them. She stated that she previously lent money to other officers in the Brooklyn Court Section in the amount of \$300 and in the amount of \$250. They have not yet paid her back.

As her vacation approached, the Respondent had a conversation with Castillo about returning the money. She stated that Castillo agreed to pay her back and that one day after work, in the locker room, Castillo did just that. She testified that Castillo paid her back in a money order.

The Respondent identified DX 2A and 2B as the money order that Castillo used to pay her back. She stated that Castillo simply handed her a folded, blank money order. She took it home and a week later she deposited it into her account at Washington Mutual. The Respondent identified the signature on the back of the money order as her own and she stated that she wrote the word "cash" on the money order.

The Respondent testified that prior to working the Department, she worked in a bank. She acknowledged that banks, including her Washington Mutual branch, have cameras all over. She therefore knew that when she walked into Washington Mutual she would be videotaped. She did not wear a disguise of any kind.

The Respondent testified that she recalled Castillo crying and that she and another officer went over to console her. Castillo told her that she was missing over a thousand dollars from her locker, which she had reported to IAB who were now investigating at the precinct. Castillo told the Respondent that IAB was blaming her because she should have secured her locker. The Respondent asked Castillo why she left one thousand dollars in a locker with no lock. Castillo responded that she did not know. The Respondent then went and bought Castillo a lock. She never asked Castillo to pay her back for the lock.

The Respondent testified that she was called back to the station house where she was informed that she had to take a random drug test. After she left the precinct, IAB picked her up outside the train station. The Respondent testified that on the way to the interview, Lieutenant Wright (whom she could not recall by name) informed her that she would be arrested and charged with petit larceny and criminal possession of petit larceny. He did not specify what items she was being accused of stealing.

The Respondent testified that she did not have an attorney represent with her during the interview, but that Lieutenant Wright, a sergeant, the ADA and another person were all present in the room. The Respondent acknowledged that she was informed of her right to have an attorney present and that she waived that right because the lieutenant seemed friendly and made her feel comfortable. The Respondent reiterated that she understood the warning and waived the right to have an attorney present.

The Respondent testified that she felt as if the interview was an interrogation and that she was already under arrest. She stated that she started to feel this way after their first question, which pertained to her financial situation. The Respondent stated that her fingerprints were on Castillo's locker because she had gone into Castillo's locker to check whether or not Castillo's firearm was there. She knew that Castillo's locker did not have a lock and so she intended to place Castillo's firearm in her own locker until Castillo returned to work. The Respondent did not find Castillo's firearm in the locker, but she did call Castillo to let her know what had transpired. The Respondent did not notify her supervisor because she did not want Castillo to get into trouble. The Respondent testified that she did not have prior knowledge regarding Castillo's habits regarding her locker and her failure to secure it. The Respondent denied stealing a \$500 money order from Castillo's locker and wrongfully depositing stolen property into her bank account.

The Respondent stated that when she was questioned about Castillo's locker, she thought it was because her fingerprints were found on her locker. She stated, "He said do you know why we are singling you? I naturally said why, because my

fingerprints are on her locker? Because they came in, the day that I consoled her when she was crying, they were coming in to dust her locker."

On cross-examination, the Respondent acknowledged that she knew that Castillo had more than one locker and that she learned that one locker did not have a lock on it when informed by another officer at some point in 2007. At that point, the Respondent began calling Castillo about not having a lock on her locker. The Respondent denied knowing that Castillo would sometimes leave personal property in her unlocked locker. She admitted to knowing where the locker was located and that she had to walk through the room that contained her locker to get to the room with Castillo's locker.

The Respondent reiterated that Castillo did not have a steady partner because there were an odd number of people in the squad. Respondent's steady partner in 2007 was Detective Carson. Both Castillo and the Respondent were assigned to patrol. They were assigned together two or three times a month. During their time together, they would make small talk, but they usually did not discuss personal topics or go out socially. The Respondent reiterated that she knew that Castillo was married and had [REDACTED] child, but she did not know [REDACTED] child, or what Castillo's husband did for a living. She testified that Castillo is "guarded." In return, she did not share personal details about her own life, but she assumed that Castillo would know that she has a child, since she frequently talks about her.

The Respondent testified that prior to August or September of 2007, she had a conversation with Castillo about money. The Respondent stated that this was the first time they had a conversation about money. In that conversation, Castillo told the Respondent that she needed about \$500 to purchase [REDACTED] for her [REDACTED]. Prior

to this conversation, Castillo and the Respondent only discussed money as it pertained to their lunch, i.e. like "who was treating who". The Respondent did not ask what type of medication, what was wrong [REDACTED] or why insurance doesn't cover the cost of the medication was needed. The Respondent testified that she did not ask any of these questions because "if someone needs something from me and I am able to do it, I am not going to get all up in your business. If I am able to do it, I will do it." Moreover, the Respondent stated that since they worked together she did not have a problem lending her money because she would see Castillo again. The Respondent admitted that she would have a problem lending money to someone she did not see every day. She acknowledged that when Castillo was out for the birth of her child that the Respondent did not know who she was.

The Respondent testified that she was confident that Castillo would pay her back, since they were assigned to the same precinct. Therefore, even if she did not see her one day, she would eventually see her since Castillo had to return to work. Moreover, she had Castillo's phone number. The Respondent testified that she lent Castillo the money because she (the Respondent) is a trusting person.

The Respondent testified that she previously filed for bankruptcy in 2004. She stated that she lent Castillo the money in July or August of 2007. The Respondent, who is a single mom, acknowledged that she is not receiving any type of assistance from her child's father and that she was not receiving any sort of help at the time that she lent Castillo the money. The Respondent stated that as a police officer she was receiving entry level pay in the amount of \$48,000. Her bi-weekly take home pay was around \$1200. She did not have any other sources of income. She admitted that \$500 is a

significant amount of money for her and that at the time of the incident. The Respondent admitted that she "always feel like [she] is living paycheck to paycheck." She reiterated that the \$500 was extra money that she had in her house for vacations or emergencies.

The Respondent reiterated that she never asked Castillo to sign an IOU nor did she put the loan or the repayment terms in writing. She did not charge interest on the loan and there were no other witnesses to the transaction. The Respondent stated that she lent the money to "someone I see every day that was a co-worker and that I felt I could trust."

The Respondent reiterated that she learned that Castillo reported the theft the day that she saw her crying. She explained that she only learned that the \$500 money order that was reported stolen was the same money order that she deposited into her account when she got called into the IAB office. During that interview, she told IAB that her child's father had given her a money order in the amount of \$450 or \$500 to pay for her child's tuition. She never mentioned the money order that Castillo gave her. She acknowledged that she knew where Castillo's locker was located and that Castillo kept it unlocked.

The Respondent reiterated that during that interview, she stated that "he asked me do you know why you know why we called you down here, right? I said is it because my fingerprints are on her locker? He asked me why would your fingerprints be on the locker, and I told him...I told him another female officer in the locker room one day as I was leaving, and she told me that Officer Castillo's locker didn't have a lock on it and she had belongings in there. So I tried to get Officer Castillo on the phone, which I couldn't so I went into her locker to see if she had her firearm in there because I was

going to put it in my locker." She admitted that neither her supervisor nor Castillo instructed her to look in Castillo's locker the Respondent did not tell a supervisor because she did not want Castillo to get in trouble. She acknowledged that when she checked the locker, she had no idea whether or not Castillo's firearm would be in the locker.

When questioned by the court, the Respondent stated that when she was interviewed by the ADA, she informed them that she had deposited \$450 in her checking account. At that point, she had already deposited the money order she received from Castillo. She reiterated that she did not mention to the ADA the \$500 check she received from Castillo. The Respondent acknowledged that she knew that the \$500 was the subject of her questioning. She testified that she stated in her interview that she wanted an attorney after she had waived her rights. The Respondent stated that she asked for an attorney in middle of the interrogation, but they did not stop interrogating her.

During cross examination, the Respondent reiterated that she was never directly asked about Castillo's money order. She acknowledged that they did ask her about large deposits made to her personal account.

The Respondent admitted that although on the way to the interview, she was told she would likely be arrested for petit larceny and criminal possession of stolen property, she never asked what exactly she was being arrested for, or what she supposedly stole. She explained that she did not do so because she was told it would all be explained to her once she arrived at the interview.

FINDINGS AND ANALYSISSpecification Nos. 3 and 4

The Respondent pled Guilty to neglecting to safeguard her firearm and possessing an unauthorized duplicate New York City Police Department shield.

Based on the foregoing the Respondent is found Guilty as charged.

Specification Nos. 1 and 2

The Respondent is charged with wrongfully stealing and wrongfully possessing a \$500 money order from inside Police Officer Castillo's purse without permission or authority and depositing the money into her personal Washington Mutual Bank account.

It is not in dispute that the Respondent had in her possession Castillo's money order and that the Respondent made it out to "cash" and deposited it into her personal bank account. The area of contention is that Castillo claims that the money order was taken from inside her unlocked locker and the Respondent claims that Castillo gave her the money order as repayment of a \$500 loan that the Respondent made to her.

It was pointed out during trial that Castillo had a number of items of personal property taken from her over a period of time and that she even faced charges for not securing her locker. Nevertheless, the primary concern for this Court is whether the Respondent came into possession of the money order with the permission of Castillo or did she in fact steal \$500 from her.

At the outset, the Respondent's version of how she came into possession of the money order is unbelievable and without merit. She testified that Castillo told her that she needed \$500 to purchase medication for her [REDACTED]. The Respondent claimed that

she did not ask what type of medication was needed or what [REDACTED] or why Castillo's insurance would not cover the cost. In loaning Castillo the money, the only stipulation that she placed on the loan was that Castillo had to assure her that the money would be repaid before the Respondent went on vacation. In addition, she acknowledged that she loaned Castillo the money even though they were not close friends, they were not steady partners, they did not socialize together and the \$500 represented approximately 40% of her bi-weekly take home pay.

The Respondent testified that while she is not a wealthy person she was able to lend Castillo the money because she had extra money on hand in case of emergencies. She personally handed the \$500 to Castillo without requiring her to sign a promissory note because, as she explained, she had loaned money to other officers and never required an IOU from them. She lent Castillo the money because she is a trusting person and because they worked together. She claimed that Castillo paid her back in the locker room by simply handing her a folded, blank money order. (DX 2A and 2B) A week later she made out the money order to "cash," signed the back of it and deposited it in her bank account.

The Respondent stated that she was interviewed by an Assistant District Attorney and during that interview she never mentioned that she deposited Castillo's \$500 money order into her account. Instead, she told them that her child's father had given her a money order in the amount or \$450 or \$500 to pay for her child's tuition. When she was asked during the interview why she was called in for questioning she told them "is it because my finger prints are on her locker?" The Respondent knew that Castillo had more than one locker and learned from another officer that she did not have a lock for

one of them. She knew where the unlocked locker was located but denied knowing that Castillo left personal property in that locker.

After stating that her finger prints were on the locker, she then gave them the story that if her finger prints were on Castillo's locker it was because she had checked the locker to make sure that Castillo's gun was not in the unlocked locker. If it was she intended to secure it. She admitted that neither Castillo nor a supervisor instructed her to look in Castillo's locker. She did not even know if Castillo kept her gun in that locker. Yet she claimed to have gone into the unlocked locker to help Castillo avoid getting into trouble for an unsecured gun.

Castillo convincingly testified that she did not borrow \$500 from the Respondent and repay her with a \$500 money order. Castillo bought money orders to pay her bills. She charged the money orders to her credit card so that she and her husband could accumulate miles to travel. (DX 1A and 1B) She never discussed this plan with anyone in the precinct including the Respondent.

Castillo told the Court that in September 2007, she left a \$500 money order in her purse in an unlocked locker that she used along with her locked locker. At that time, the money order went missing she had no idea who took the money and especially did not suspect the Respondent. It was only after she reported the theft to IAB that Lieutenant Wright traced the money order to the Respondent where she was observed on camera depositing the money order into her account.

The Respondent's "lending" story ultimately falls apart where Castillo testified that she and the Respondent were not friends and did not have a close relationship.

While her [REDACTED] and required medication, Castillo's insurance covered that cost.

Based on the foregoing, this Court concludes that the Respondent knew that Castillo kept an unlocked locker and she went into that locker and took Castillo's \$500 money order without her permission, waited a week and then deposited the money into her personal bank account. Once the money order was traced to her she made up the story that the money was for the repayment of her loan to Castillo.

Accordingly, the Respondent is found Guilty of Specification Nos. 1 and 2.

PENALTY

In order to determine an appropriate penalty, the Respondent's service record was examined. See Matter of Pell v. Board of Education, 34 N.Y.2d 222, 240 (1974). The Respondent was appointed to the Department on July 11, 2005. Information from her personnel folder that was considered in making this penalty recommendation is contained in the attached confidential memorandum.

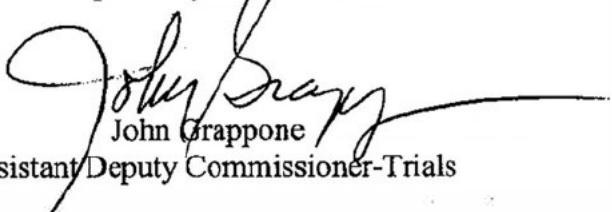
The Respondent has pled Guilty for failing to safeguard her firearm and possessing an unauthorized duplicate New York City Police Department Shield. She also has been found Guilty of the more serious charges of stealing and wrongfully possessing Castillo's \$500 money order which she took from Castillo's unlocked locker.

The Respondent, as a New York City police officer, has sworn to uphold the law of New York. By stealing the \$500, the Respondent has betrayed the trust and

confidence that the Department placed in her to maintain the high standards that is necessary to uphold her sworn duty to the citizens of New York.

Based on the foregoing, it recommended that the Respondent be DISMISSED from the New York City Police Department.

Respectfully submitted,


John Grappone
Assistant Deputy Commissioner-Trials



POLICE DEPARTMENT
CITY OF NEW YORK

From: Assistant Deputy Commissioner – Trials

To: Police Commissioner

Subject: CONFIDENTIAL MEMORANDUM
POLICE OFFICER MECCA CLINKSCALES
TAX REGISTRY NO. 938240
DISCIPLINARY CASE NO. 83442/07

In 2009, the Respondent received an overall rating of 4. 5 “Extremely Competent/Highly Competent” on her annual performance evaluation. She was rated 3. 5 “Highly Competent/Competent” in 2007 and 4. 0 “Highly Competent” in 2008. [REDACTED]

[REDACTED] The Respondent has no prior formal disciplinary record.

For your consideration.



John Grappone
Assistant Deputy Commissioner – Trials